Remarks

Applicants respectfully request reconsideration of this application as amended. No claims have been amended. No claims have been cancelled. Therefore, claims 1, 2, 4-17, 19-30 and 32-41 are presented for examination.

Claims 1, 2, 4-8, 16, 17, and 19-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner et al. (U.S. Patent No. 6,502,125) in view of Aggarwal et al. (U.S. Patent No. 5,924,116). Applicants submit that the present claims are patentable over Kenner in view of Aggarwal.

Kenner discloses a system and method for the optimized storage and retrieval of video data at distributed sites calls for the deployment of "Smart Mirror" sites throughout a network, each of which maintains a copy of certain data managed by the system. Every user is assigned to a specific delivery site based on an analysis of network performance with respect to each of the available delivery sites. Generalized network performance data is collected and stored to facilitate the selection of additional delivery sites and to ensure the preservation of improved performance in comparison to traditional networks. See Kenner at Abstract.

Nonetheless, Kenner does not disclose or suggest a network having a plurality of nodes arranged in the form of a virtual tree for passing control information. The Office Action admits that Kenner does not disclose such a feature. See Office Action at page 3, second paragraph. Instead, Aggarwal has been cited as disclosing such a feature. Id.

Aggarwal discloses a process of pass caching information associated with a data object down a caching hierarchy. The information is passed through an enterprise proxy and through a departmental proxy, and is processed at both before reaching a client computer.

Particularly, at each proxy, the caching status information of an object in the higher level proxies is referred to herein as the caching hierarchy label (CHL) value of the object. The CHL value can be stored or transmitted as part of the header of the object using the PICS protocol. The caching status information can be used to direct the object request to the closest higher level proxy which has potentially cached the object, instead of requesting from the next immediate higher level proxy. See Aggarwal at col. 5, ll. 50 – col. 6, ll. 60.

Independent claims 1, 14, 15 16 and 29 of the present application each recite a network having a plurality of nodes arranged in the form of a virtual tree for passing control information. As discussed above, Kenner fails to disclose or suggest such a feature. Moreover, Aggarwal also fails to disclose or suggest such a feature. Instead, Aggarwal discloses a process of pass caching information associated with a data object down a caching hierarchy. However, nowhere in Aggarwal is there disclosed or suggested that the caching hierarchy is in the form of a virtual tree. Since both Kenner and Aggarwal both fail to disclose or suggest a plurality of nodes arranged in the form of a virtual tree, any combination of Kenner and Aggarwal would also fail to disclose or suggest such a feature. Accordingly, claims 1, 14, 15 16 and 29, and their respective dependent claims are patentable over Kenner in view of Aggarwal.

Claims 1, 2, 4-17, 19-30, and 32-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ehrman et al. (U.S. Pub. No. 2002/00404479) in view of Aggarwal. Applicants submit that the present claims are patentable over Ehrman in view of Aggarwal.

Ehrman discloses a method for streaming content via a network to a receiver includes the steps of providing a plurality of streams to a plurality of different suppliers and receiving multiple streams from the different suppliers. The multiple streams together from the

content. See Ehrman at Abstract. Nonetheless, Ehrman does not disclose or suggest a network having a plurality of nodes arranged in the form of a virtual tree for passing control information.

The Office Action admits that Ehrman does not disclose such a feature. See Office Action at page 5, third paragraph. Instead, Aggarwal has been cited as disclosing such a feature. Id. As discussed above, Aggarwal does not disclose or suggest network having a plurality of nodes arranged in the form of a virtual tree for passing control information. Since both Ehrman and Aggarwal both fail to disclose or suggest a plurality of nodes arranged in the form of a virtual tree, any combination of Ehrman and Aggarwal would also fail to disclose or suggest such a feature. Accordingly, the present claims 1 are patentable over Ehrman in view of Aggarwal.

Applicants respectfully submit that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicants respectfully request the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Mark L. Watson
Reg. No. 46,322

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1026
(303) 740-1980